

Notice of Allowability

Application No.

09/849,320

Examiner

Laura A. Grier

Applicant(s)

CARTER ET AL.

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment - 10/12/05.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

ATTORNEY AUTHORIZATION

Authorization for this examiner's amendment was given in a telephone interview with Barbara Dautre on January 6, 2006.

AMENDED CHANGES

The application has been amended as follows:

- a) Claim 2, line 2, "the" before the word, "mathematical" has been replaced with -- a --.
- b) Claim 2, line 3, the phrase, "of the", before the word, "audio" has been replaced with -- a --.
- c) Claim 2, line 3, after the word, "voltage", -- of the energy value -- has been inserted.
- d) Claim 9, line 2, "the" before the word, "mathematical" has been replaced with -- a --.
- e) Claim 9, line 3, the phrase, "of the" before the word, "audio" has been replaced with -- a --.

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- f) Claim 9, line 3, after the word, "voltage", -- of the energy value -- has been inserted.
- g) Claim 11, line 12, "the" has been replaced with -- a -- before the word, "microphone".
- h) Claim 11, line 12, -- wherein, the first voice mode is digital and the second voice mode is analog -- has been inserted after the word, "mode".
- i) Claim 12, line 2, -- speaker -- has been inserted after the word, "audio".
- j) Claim 12, line 2, "the" before the word, "mathematical" has been replaced with -- a --.
- k) Claim 12, line 2, the phrase, "of the" before the phrase, "audio voltage" has been replaced with -- a --.
- l) Claim 12, line 2, after the word, "voltage", -- of the energy value -- has been inserted.

Claims 1-13 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 8, and 11, the prior art of record, Umemoto et al., discloses a microphone of a radio communication apparatus, in which the microphone receives audio input and the radio functions with dual mode operations (analog and digital), wherein the volume and/or gain of the input audio signal of a specific mode is provided a different gain. However, Umemoto et al., fails to specifically disclose computing an energy value of the audio output in a 1st operational mode, processing a predetermined

gain algorithm in the 2nd operational mode using the energy value and adjusting the gain stage of the multimode communication device, therein as claimed.

Regarding claim 11, the prior art of record, Umemoto et al., discloses a microphone of a radio communication apparatus, in which the microphone receives audio input and the radio functions with dual mode operations (analog and digital), wherein the volume and/or gain of the input audio signal of a specific mode is provided a different gain, and audio input of the microphone is provided for input into a speaker for audio output. However, Umemoto et al., fails to specifically disclose computing an energy value of the audio output in a 1st operational mode, processing a predetermined gain algorithm in the 2nd operational mode using the energy value and adjusting the gain stage of the multimode communication device, therein as claimed.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura A Grier
Primary Examiner
Art Unit 2644

January 6, 2006